

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

JOSEPH KELLY DINGLER, )  
# 00149118, )  
Petitioner, )  
vs. )      No. 3:22-CV-1252-D  
                )  
ROCKWALL COUNTY COURT #2, et al., )  
Respondents.        )

**ORDER**

After reviewing all relevant matters of record in this case, including the findings, conclusions, and recommendation of the United States Magistrate Judge and petitioner's filings on November 22, 2022, in accordance with 28 U.S.C. § 636(b)(1), the court is of the opinion that the findings and conclusions of the magistrate judge are correct, and they are adopted as the findings and conclusions of the court. By separate judgment, this case will be dismissed without prejudice for failure to prosecute or comply with court orders.

Although petitioner's post-recommendation filings can be construed to reflect an intent to prosecute this case, none complies with the requirement that petitioner file a completed § 2241 form.

A certificate of appealability is not required to appeal the denial of relief under 28 U.S.C. § 2241. *See Padilla v. United States*, 416 F. 424, 425 (5th Cir. 2005). If the petitioner files a notice of appeal, he must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis*.

**SO ORDERED.**

December 22, 2022.

  
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SIDNEY A. FITZWATER  
SENIOR JUDGE